IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.1453 OF 2006

IN

SECOND APPEAL NO.459 OF 2005

Vijaykumar Laxman Shinde
and others : Applicants.

versus

Smt.Reubai Gangaram Ghule
and others : Respondents.

Mr.R.N.Sanghavi for the applicants.
Mr.S.A.Sawant for the respondents.

CORAM : D.G.DESHPANDE

DATED : JANUARY 11, 2007.

P.C. [IN CHAMBER].

1. This application is filed by the original respondents in the Second Appeal who were the plaintiffs in the suit. It is for expunging certain parts of Para No.5 of my order dated 15th

September 2005, which reads as under :-

> "It is clarified that dispute about the revenue entries is now, as per the statement of the advocate for the appellants finally concluded in favour of the appellants by the revenue authorities, and, therefore, if on that basis the appellants file any Civil Suit on the basis of the title and possession, observations of both the courts below in this matter regarding the property, will not come in their way."

The respondents had filed suit for injunction. It was granted and that order was not interfered by me in the second appeal.

2. In para 5 of my order dated 15th September 2005, liberty is given to the appellants - original defendants in the suit to file Civil Suit. In my opinion, nothing stated in para 5 comes in the way of appellants - original defendants in filing the suit on the basis of title. However, it is further clarified that the issue, whether the orders of the revenue

authorities are finally concluded in favour of the appellants or respondents, is kept open depending upon the documents to be produced before the competent Court. Civil Application is disposed of.

[D.G.DESHPANDE,J]